

AGENDA

REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
502/875-8500

FEBRUARY 25, 2013  
5:00 P.M. (EST)

1. INVOCATION

Reverend John Opsata, First Christian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

January 14, 2013 Special Meeting; January 14, 2013 Work Session; January 25, 2013 Special Meeting; January 28, 2013 Regular Meeting; February 6, 2013 Special Meeting.

2. CEREMONIAL ITEMS

3. CITIZEN COMMENTS

4. ORDINANCES

4.1 **SECOND READING:** An Ordinance amending Frankfort Code of Ordinances Chapter 32, Section 32.03, Meetings.

**Purpose:** The purpose of this ordinance is to revise the meeting dates and times for the Board of Commissioners.

**Background:** This ordinance provides that the Board of Commissioners will meet in work sessions on the second Monday of each month at 5:00 p.m., and the voting meeting is the meeting on the fourth Monday of each month at 5:00 p.m. This ordinance will take effect on March 1, 2013.

This Ordinance had its first reading on January 28, 2013.

**Financial Analysis:** N/A

**Recommendation:** Approval

**Attachment:**

- Ordinance

**Contact Person:**

**Name:** Rob Moore  
**Title:** City Solicitor  
**Department:**  
**Phone:** 502/227-2271  
**Email:** [rmoore@hazelcox.com](mailto:rmoore@hazelcox.com)

5. ORDERS

6. RESOLUTIONS

- 6.1** Resolution authorizing the filing of an application for Certified Local Government for Preservation Education and authorizing the Mayor to execute all grant-related documents.

**Purpose:** To authorize the filing of an application to fund Preservation Education Seminar/Workshops for the City and authorize the Mayor to execute all grant-related documents.

**Background:** As a Certified Local Government, the City of Frankfort is eligible for Certified Local Government Grant Funds administered by the Kentucky Heritage Council.

There are over 1400 historic properties noted in the City and due to their age, they are especially in threat of being under maintained. In recognition of this and the need to equip property owners with best maintenance practices while making their homes energy efficient, the City desires to provide preservation education outreach. The project proposal includes procurement of a Preservation Specialist to conduct a two day seminar and workshop for a varied audience comprised of City Boards and Commissions including the Architectural Review Board, staff, homeowners, business owners, etc. The seminar training will include a variety of topics, including strategies to make historic homes more energy efficient without compromising the building architecture and features. The one day workshop in the field may include guidance to homeowners on how to cost effectively repair historic windows. The project has regional appeal by it being offered to interested parties in surrounding counties. According to estimates received, the funds requested for the project would allow for two days of training and a modest advertising budget. A Certified Local Government Grant in the amount of \$11,000.00 is being requested by the City of Frankfort. The federal share requested (60% of award) is \$6,600.00 from the Kentucky Heritage Council. Local match for this project (40% of the award), would be \$4,400.00, based on recent similar projects. In-kind services will not be sufficient to secure the needed professional services. The match will need to be funded from the General Fund.

**Financial Analysis:** A Certified Local Government Grant in the amount of \$11,000.00 with the federal share requested (60% of award) is \$6,600.00 from the Kentucky Heritage Council, and a forty percent (40%) local match of \$4,400.00 will be required. While in-kind services will be provided, the total local match will need to be funded in order to secure the professional services to assist with the project. The match will need to be funded from the General Fund - FY 2013/2014 budget.

**Recommendation:** Approval

**Attachment:**

- Resolution

**Contact Persons**

<b>Name:</b>	Rebecca Hall	Gary Muller
<b>Title:</b>	Grants Manager	Director
<b>Department:</b>	City Manager	Planning and Building Codes
<b>Phone:</b>	502/875-8500	502/875-8500
<b>Email:</b>	<a href="mailto:rhall@frankfort.ky.gov">rhall@frankfort.ky.gov</a>	<a href="mailto:gmuller@frankfort.ky.gov">gmuller@frankfort.ky.gov</a>

- 6.2** Resolution to support Walk / Bike Frankfort's application for Bicycle Friendly Community designation from the League of American Bicycles.

**Purpose:** To consider authorizing a Resolution to support Walk/Bike Frankfort's application for a Bicycle Friendly Community designation from the League of American Bicyclists.

**Background:** Walk/Bike Frankfort has approached the city to support their application for a Bicycle Friendly Community designation from the League of American Bicyclists at the February 11, 2013 meeting of the City Commission. This resolution will be part of Walk/Bike's application.

**Recommendation:** Approval

**Attachment:**

- Resolution

**Contact Person**

<b>Name:</b>	Donna Hecker	Rebecca Hall
<b>Title:</b>	President	Grants Manager
<b>Department:</b>	Walk/Bike Frankfort	City Manager
<b>Phone:</b>	502/330-5835	502/875-8500
<b>Email:</b>	<a href="mailto:Donnahecker@aol.com">Donnahecker@aol.com</a>	<a href="mailto:rhall@Frankfort.ky.gov">rhall@Frankfort.ky.gov</a>

- 6.3** A Resolution supporting reforms to the County Employees Retirement System (CERS) to make the plan sustainable, sound, and secure for current and future employees.

**Purpose:** To support reforms to the CERS to make the plan sustainable, sound, and secure for current and future employees.

**Background:** The City of Frankfort has been requested to consider and approve a Resolution supporting reforms to the CERS to make the CERS retirement plan sustainable, sound, and secure for current and future employees. As stated in the Resolution, the Kentucky General Assembly and the Kentucky Retirement Systems have imposed significant unfunded mandates on cities in Kentucky by guaranteeing minimum pension benefit levels and mandating the use of city revenues to fund pension plan costs. Cities have made the required payments to the retirement system, but the pension liability for CERS has increased 7.131 billion since 2000, despite the cities paying the required amounts, which indicates a problem with the system. The Task Force on Kentucky Public Pensions has recommended that the following revisions be made:

1. Adopt a hybrid cash balance plan for new employees in CERS;
2. Reset the amortization period for CERS for payment of the unfunded liability to a new 30 year period;
3. Eliminate the automatic cost of living adjustment (COLA) for all current and future CERS retirees; and,
4. Appoint an additional member to the Kentucky Retirement Systems Board of Trustees selected by the Governor from a list submitted by the Kentucky League of Cities.

The Resolution further encourages the Kentucky General Assembly to enact these reforms during the 2013 Regular Session.

**Recommendation:** N/A

**Attachment:**

- Resolution

**Contact Person**

<b>Name:</b>	Steve Dawson
<b>Title:</b>	Director
<b>Department:</b>	Finance
<b>Phone:</b>	502/875-8500
<b>Email:</b>	<a href="mailto:sdawson@frankfort.ky.gov">sdawson@frankfort.ky.gov</a>

**7. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.*

- 7.1** To approve an Agreement between the City of Frankfort and the Franklin County Board of Education providing for the use by the Franklin County Public Schools of the City's sports facilities and parks and the City's use of the Franklin County Public Schools' tennis courts, and authorize the Mayor to sign all related documents (Parks and Recreation).

**Purpose:** To authorize an Agreement between the City of Frankfort and the Franklin County Board of Education providing for the use by the Franklin County Public Schools of the City's sports facilities and parks and the City's use of the Franklin County Public Schools' tennis courts, and authorize the Mayor to sign all related documents.

**Background:** The City of Frankfort has previously entered into agreements with the Franklin County Board of Education providing for the use of sports and recreational facilities. This Agreement is similar in that it provides for the use by the Franklin County Public Schools of the Juniper Hills Golf Course, the use of Sower Soccer fields, the use of the East Frankfort Park facilities and the Juniper Hill Park facilities for physical education activities, and the use of one baseball field at Capitol View Park. The Agreement further provides for the use of the tennis courts at Franklin County High School and Western Hills High School by the Frankfort Parks and Recreation Department.

**Financial Analysis:** There will only be a minimal fiscal impact, if any, to the City of Frankfort.

**Recommendation:** Approval

**Attachment:**

- Agreement

**Contact Persons:**

<b>Name:</b>	Jim Parrish	Jim McCarty
<b>Title:</b>	Co-director	Co-director
<b>Department:</b>	Parks and Recreation	Parks and Recreation
<b>Phone:</b>	502/875-8575	502/875-8575
<b>Email:</b>	<a href="mailto:jparrish@frankfort.ky.gov">jparrish@frankfort.ky.gov</a>	<a href="mailto:jmccarty@frankfort.ky.gov">jmccarty@frankfort.ky.gov</a>

- 7.2** To approve a Memorandum of Agreement between Kentucky State University (KSU) and the City of Frankfort and to authorize the Mayor to sign any related documents as may be required (Sewer Department).

**Purpose:** To approve the City of Frankfort to enter into a Memorandum of Agreement with KSU and to authorize the Mayor to sign any related documents as may be required. This agreement allows KSU to use excess equipment and tanks at the City's Wastewater Treatment Plant (WWTP) for an experiment in growing fish. Under the Memorandum of Agreement, KSU will pay the City the amount of \$150.00 per year for a three year period for the use of the Sewer facilities.

**Background:** During the last several years, the City has entered into an agreement allowing KSU to use excess equipment at the City's WWTP for an experiment in growing fish. To date, the experiment has been successful, and KSU wishes to continue same for an additional three-year

period. The Sewer Department recommends the approval of the agreement, as it does not interfere with its operations. Under the Memorandum of Agreement, KSU will pay the City the amount of \$150.00 per year for a three-year period for the use of the Sewer facilities to offset the cost of electrical usage.

**Financial Analysis:** KSU will pay to the City the amount of \$150.00 per year for a three-year period.

**Recommendation:** Approval

**Attachment:**

- Memorandum of Agreement

**Contact Person:**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director  
**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort.ky.gov](mailto:wscalf@frankfort.ky.gov)

- 7.3** To authorize the Mayor to sign a Full Release of Mortgage for property located at 66 Jones Lane (Sewer Department).

**Purpose:** The purpose of this item is to authorize the Mayor to sign a Full Release of Mortgage for property located at 66 Jones Lane.

**Background:** Subsequent to construction of the Jones Lane Project we had a number of residents sign promissory notes and second mortgages to pay off their sewer capacity fee over time. The property owner at 66 Jones Lane signed a promissory note and mortgage and has since paid the amount owed in full. This document will be filed with the Office of the Clerk of the Franklin County Court to release the second mortgage.

**Financial Analysis:** NA

**Recommendation:** Approval

**Attachment:**

- Full Release of Mortgage

**Contact Person:**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director  
**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort.ky.gov](mailto:wscalf@frankfort.ky.gov)

- 7.4** To approve Change Order #2 for the Louisville Hill Stormwater Separation Project and authorize the Mayor to sign all related documents associated with the change order (Sewer Department).

**Purpose:** The purpose of this item is to approve Change Order #2 for the Louisville Hill Stormwater Separation Project and authorize the Mayor to sign all related documents associated with the change order.

**Background:** Stormwater from Louisville Hill previously entered the combined sewers of South Frankfort. Removal of this storm water reduces the loading on both the Ewing Street Pump Station and the WWTP, and reduces the energy spent on pumping and treatment.

This is the final balancing change order for the project. This change order covers 4 items (detailed information included in change order) as follows:

- Additional asphalt base material on Taylor Avenue;
- Non-skid asphalt surface on Louisville Hill;
- Sales tax reimbursement;
- Final balancing quantities.

The total contract amount is summarized below:

Original Contract	\$1,219,079.00
Change Order #1	\$27,440.00
Change Order #2	<u>\$76,591.69</u>
Revised Contract	\$1,323,110.69

**Financial Analysis:** Funds are available in Account No. 300.68.54390. This account has \$14,535,000 budgeted and as of January 1, \$1,683,645 has been expensed and encumbered.

**Recommendation:** Approval

**Attachment:**

- Change Order #2 (Draft)

**Contact Person:**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director  
**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort.ky.gov](mailto:wscalf@frankfort.ky.gov)

- 7.5** To authorize a balancing change order to contract with Basham Construction and Rental Co. for the rehabilitation of approximately 500 feet of failing brick sewer in West Main Street and replacement of approximately 250 feet of failing 12-inch gravity sewer in Catfish Alley (Sewer Department).

**Purpose:** To approve a balancing change order to the contract with Basham Construction and Rental Co. for the rehabilitation of approximately 500-feet of failing brick sewer in West Main Street and replacement of approximately 250 feet of failing 12-inch gravity sewer in Catfish Alley.

**Background:** In June 2012 the commission awarded Basham Construction the contract for the rehabilitation of approximately 500-feet of failing brick sewer in West Main Street and replacement of approximately 250-feet of failing 12-inch gravity sewer in Catfish Alley.

Change Order 1 covers costs due to a delay in the construction and credits for quantities not used during construction.

Original Contract	\$248,467.00
Change Order 1	<u>(\$11,828.00)</u>
Revised Contract	\$236,639.00

**Financial Analysis:** Funds are available in Account No. 300.68.54390. This account has \$14,535,000 budgeted and as of January 1, \$1,683,645 has been expensed and encumbered.

**Recommendation:** Approval

**Attachment:**

- Change Order #1

**Contact Person:**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director  
**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort.ky.gov](mailto:wscalf@frankfort.ky.gov)

- 7.6** To authorize payment to the Property Valuation Administrator (PVA) for 2013 City of Frankfort Property Tax Assessment, and authorize the Mayor to sign all related documents (Finance).

**Purpose:** The purpose of this item is to pay the PVA for use of county assessment services for 2013 City of Frankfort ad valorem tax purposes.

**Background:** There is an annual fee as established by KRS 132.285 for the use of county assessment services for determining the 2013 City ad valorem tax values

<b>Financial Analysis:</b>	<u>2012-2013 Budget</u>	<u>Invoice</u>
	\$40,000	\$40,000

Funds are available in Account No. 100.50.53295.

**Recommendation:** Approval

**Attachment:**

- Invoice from Patsy Conway, Franklin County PVA

**Contact Person:**

**Name:** Steve Dawson  
**Title:** Finance Director  
**Department:** Finance  
**Phone:** 502/875-8500  
**Email:** [sdawson@frankfort.ky.gov](mailto:sdawson@frankfort.ky.gov)

- 7.7** To authorize the submission of a continuing application for Law Enforcement Service Fee Grant funds and authorize the Mayor to sign all grant-related documents (Police Department).

**Purpose:** To authorize submission of an application to the Commonwealth of Kentucky Justice and Public Safety Cabinet for approximately \$10,000.00 for Law Enforcement Service Fee Grant funds to aid in Driving Under the Influence (DUI) Enforcement Overtime and authorize the Mayor to sign all grant-related documents.

**Background:** The Commonwealth of Kentucky Justice and Public Safety Cabinet currently has funding available for the enforcement of DUI which can be utilized for overtime of officers. Typical grant amounts are for approximately \$10,000.00. This funding does not require a match from the city.

**Financial Analysis:** There is no match requirement from the City.

**Recommendation:** Approval

**Attachments:** None

**Contact Person:**

<b>Name:</b>	Fred Deaton	Rebecca Hall
<b>Title:</b>	Major	Grants Manager
<b>Department:</b>	Police Department.	City Manager
<b>Phone:</b>	502/352-2256	502/875-8500
<b>Email:</b>	<a href="mailto:fdeaton@frankfort.ky.gov">fdeaton@frankfort.ky.gov</a>	<a href="mailto:rhall@frankfort.ky.gov">rhall@frankfort.ky.gov</a>

- 7.8** To consider authorizing an application for Highway Safety Grant funds and authorizing the Mayor to sign all grant-related documents (Police Department).

**Purpose:** The purpose of this item is to authorize filing an application for Highway Safety Grant funding, a part of the Governor's Highway Safety Program.

**Background:** The mission of this grant is to plan and execute a comprehensive traffic safety program to reduce the number of fatalities and injuries on Kentucky's roadways, utilizing present and potential resources on the local, state and national levels. The Governor's Highway Safety Program coordinates highway safety programs focused on public outreach and education, enforcement, promotion of new safety technology, integration of public health strategies and techniques, advocacy for traffic safety issues, and collaboration with state and local governments. The City of Frankfort would like to apply for funds associated with personnel and equipment not to exceed \$170,000.00.

**Financial Analysis:** The Police Department will be reimbursed for manpower overtime and use of equipment while participating in this program. The total grant request for 2014 will not exceed \$170,000.00. There is no match requirement for this funding.

**Recommendation:** Approval

**Attachment:** None

**Contact Person:**

<b>Name:</b>	Fred Deaton	Rebecca A. Hall
<b>Title:</b>	Major	Grants Manager
<b>Department:</b>	Police	City Manager
<b>Phone:</b>	502/875-8523	502/875-8500
<b>Email:</b>	<a href="mailto:fdeaton@frankfort.ky.gov">fdeaton@frankfort.ky.gov</a>	<a href="mailto:rhall@frankfort.ky.gov">rhall@frankfort.ky.gov</a>

- 7.9** To authorize the purchase of a Caterpillar 305 ECR LS Excavator for the Street/Floodwall Division of Public Works, and authorize the Mayor to sign all related documents (Public Works).

**Purpose:** This item is for the approval of purchasing a Caterpillar 305 ECR LS Excavator for the Street/Floodwall Division of Public Works via the Master Agreement.

**Background:** Using the Commonwealth of Kentucky's Master Agreement (MA 758 0800002516), the Public Works department would like to purchase a mini-excavator to be used in the Street/Floodwall Division. This equipment will replace the older of the two rubber-tired backhoes currently being used. The replaced backhoe will go to the dealer and the "trade-in" value used to



offset the cost. During the fall of 2012, a rubber-tired loader (1999 Hyundai Wheeled Loader) was sold and the money from that sell will also be applied to this purchase.

**Financial Analysis:** As per the Master Agreement, this excavator (as out-fitted) has a selling price of \$56,412.00. Applying the "trade-in" value of \$17,412 (from the 1992 Case 580 backhoe) brings the price to \$39,000. Additionally, applying the \$34,600 from selling the loader brings the cost to \$4,400. This amount will be paid out of Account No. 100.66.53250 (Flood Wall Maintenance) which has funds available in the amount of \$59,508.00.

**Recommendation:** Approval

**Attachment:**

- Equipment Quote (133907-01) from Whayne Supply for the Excavator and the trade-in value of the backhoe.

**Contact Person**

**Name:** Tom Bradley  
**Title:** Director  
**Department:** Public Works  
**Phone:** 502/875-8500  
**Email:** [tbradley@frankfort.ky.gov](mailto:tbradley@frankfort.ky.gov)

**7.10**

**PERSONNEL**

<b>Personnel Action</b>	<b>Employee</b>	<b>Department</b>	<b>Date</b>	<b>Other</b>
Resignation	Rick Kelley	Sewer	2-28-13	Sewer Tech IV (authorize Payment for accrued leave)
Resignation	Harold Moore	Finance	2-28-13	Administrative Specialist (Authorize payment for accrued leave)
Appointment	Ricky Phillips	Public Works/ Transit	2-26-13	Transit Driver
Promotion	Ernest Howard	Public Works	2-28-13	From Public Works Tech II to Public Works Tech III
Transfer	David C. Jones	E911/Finance	3/5/13	From E911 Telecommunicator I to Administrative Specialist

Permission to make two conditional job offers for the position of Patrol Officer I, in order to continue in- depth background investigations of candidates. The positions are to replace one Officer that recently retired and another that has been on a long-term military deployment and is on record as not planning to return to the city position. These conditional job offers are contingent upon successful completion of physical, psychological, polygraph, and drug screen examinations by the candidates.

Permission to make a conditional job offer for the position of Telecommunicator I, in order to continue the in-depth background investigation of a candidate. This position is to replace an employee that will be transferring to another department. The conditional job offer is contingent upon successful completion of psychological, polygraph, and drug screen examinations.

**Attachments:**

- Rick Kelley's resignation letter
- Harold Moore's resignation letter

**Contact Person**

**Name:** Randy Donahue  
**Title:** Human Resources Director  
**Department:** Human Resources/City Manager  
**Phone:** 502/875-8500  
**Email:** [rdonadue@frankfort.ky.gov](mailto:rdonadue@frankfort.ky.gov)

**8. BOARD APPOINTMENTS****9. OLD BUSINESS****10. NEW BUSINESS****10.1** Consideration of a request for a hearing regarding employee dismissal.**Attachment:**

- Letter from City Manager to employee
- Appeal request

**Contact Person**

**Name:** Randy Donahue  
**Title:** Human Resources Director  
**Department:** Human Resources/City Manager  
**Phone:** 502/875-8500  
**Email:** [rdonadue@frankfort.ky.gov](mailto:rdonadue@frankfort.ky.gov)

**11. ADJOURNMENT**